

UNITED STATES OF AMERICA)
)
v.) No. 2:16-CR-00052-1-JRG-CRW
)
BRADLEY JOE GROOMS)

exhausts his administrative remedies with the Bureau of Prisons or thirty days after submitting a request for release to the warden:

The court may not modify a term of imprisonment once it has been imposed except that . . . the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment[.]

§ 3582(c)(1)(A). Mr. Grooms does not claim, or provide the Court with any documentation showing, that he has met § 3582(c)'s exhaustion requirement, which is mandatory. *See United States v. Alam*, 960 F.3d 831, 833–36 (6th Cir. 2020) (stating that § 3582(c)(1)(A)'s exhaustion requirement is mandatory and that courts lack license to create a judge-made or an equitable exception to it). His failure to satisfy § 3582(c)(1)(A)'s exhaustion requirement is therefore, by itself, grounds for the denial of his request for release.

But in any case, his request also lacks merit. Under § 3582(c)(1)(A), the Court's task is to determine whether (1) "extraordinary and compelling reasons" warrant a reduction and whether (2) "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." § 3582(c)(1)(A). "[C]ourts have universally turned to USSG § 1B1.13 to provide guidance on the 'extraordinary and compelling reasons' that may warrant a sentence reduction." *United States v. Coker*, No. 3:14- CR-085, 2020 WL 1877800, at *3 (E.D. Tenn. Apr. 15, 2020); *see United States v. Resnick*, ___ F. Supp. 3d ___, 2020 WL 1651508, at *2 (S.D.N.Y. Apr. 2, 2020) ("The First Step Act did not amend the eligibility requirements for compassionate release, which are set forth in 18 U.S.C. § 3582(c)(1)(A) and Section 1B1.13 of the United States Sentencing Guidelines.").

Familial hardship constitutes an extraordinary and compelling reason for release in two circumstances: (1) “[t]he death or incapacitation of the caregiver of the defendant’s minor child or minor children” or (2) “[t]he incapacitation of the defendant’s spouse or registered partner when the defendant would be the only available caregiver for the spouse or registered partner.” USSG § 1B1.13 n.1(C)(i)–(ii). Mr. Groom’s request for release, as he describes it, does not fit within either one of these circumstances. *See generally United States v. Hunter*, No. 3:06-cr-61, 2020 WL 127711, at *3 (S.D. Ohio Jan. 10, 2020) (“While the Court empathizes with [the defendant’s] . . . difficult position . . . family circumstances that constitute ‘extraordinary and compelling reasons’ do include those presented.” (citation omitted)). The Court sympathizes with Mr. Grooms’ situation, but he is not entitled to release under § 3582(c)(1)(A), and his motion [Doc. 81] is therefore **DENIED**.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE